UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,301	09/24/2001	Ichiyou Shiga	1538.1018	4757

21171   7590   04/24/2007

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EXAMINER
SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/960,301	SHIGA, ICHIYOU
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 January 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/07</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the independent claims have been

considered but are moot in view of the new ground(s) of rejection.

Applicant's remaining arguments filed 1/8/07 have been fully considered but they

are not persuasive.

Notes have been added to the rejections of claims 3, 5, and 6 to better explain

the rejections.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/23/07 was filed after

the mailing date of the non-final office action on 9/8/06. The submission is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Claim Objections

Claims 4 and 14 are objected to because of the following informalities: The

portion added in the amendment is followed by a copy of the section. Appropriate

correction is required.

Claim 11 is objected to because of the following informalities: The phrase "said

program comprising:" should be replaced with "said program comprising steps for:".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-16 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The "medium" in the claim is not claimed as a

computer readable medium.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 2, 4, 11, 12, 24, 21, 22, and 24 are rejected under 35 U.S.C. 102(e) as

being anticipated by Reynolds.

Referring to claim 1, Reynolds discloses a method, executed by a broadcasting

server, for controlling interlock of an interactive service with data broadcasting, said

method comprising

acquiring information specifying an interactive service associated with data

broadcasting (figure 1; column 5, lines 38-41) and information specifying a service time

of said interactive service (column 8, lines 30-35; Note: the times that local programs

are to be broadcast are interpreted as being equivalent to service times);

transmitting said information specifying said interactive service and said

information specifying said service time (column 8, lines 30-35), which are acquired in

said acquiring, to an interactive server (column 5, lines 38-41), which is independent

from said broadcasting server (figure 1; Note: as the figure shows different symbols for

12 and 15, they are interpreted as being independent as is shown in figure 1 of the

applicant's disclosure), and which executes an application that provides said interactive

service to a broadcasting receiver (column 7, lines 50-55), in response to an access

from said broadcasting receiver (column 14, lines 53-57); and

transmitting, to said broadcasting receiver, data broadcasting contents

associated with said interactive service at said service time specified by said information

specifying said service time (column 7, lines 50-55).

Claims 11 and 21 are rejected on the same grounds as claim 1.

Referring to claim 2, Reynolds discloses a method as set forth in claim 1,

wherein said acquiring includes extracting said information specifying said interactive

service and said information specifying said service time from interactive service

organization information (column 8, lines 54-62).

Claims 12 and 22 are rejected on the same grounds as claim 2.

Referring to claim 4, Reynolds discloses a method as set forth in claim 1,

wherein in said transmitting, said information specifying said interactive service and said

information specifying said service time, together with content information of said data

broadcasting, are distributed to said interactive server (column 8, lines 30-35; figure 3a,

part; Note: the program information located in the program guide is interpreted as being

equivalent to content information).

Claims 14 and 24 are rejected on the same grounds as claim 4.

2.   Claims 7-10, 17-20, and 27-30 are rejected under 35 U.S.C. 102(e) as being

anticipated by Malaure.

Referring to claim 7, Malaure discloses a method, executed by an interactive

server that provides an interactive service associated with data broadcasting to a

broadcasting server for controlling interlock of said interactive service with said data

broadcasting (column 1, lines 40-42; column 2, lines 50-61), said method comprising:

receiving and storing a set of information for specifying an interactive service and

information for specifying a service time of said interactive service from a broadcasting

server in one or a plurality of broadcasting stations (column 1, lines 43-45; column 5,

lines 1-8), wherein said broadcasting server is managed independently from said

interactive server (figure 1, parts 8 and 2; Note: as the figure shows different symbols

for 2 and 9, they are interpreted as being independent as is shown in figure 1 of the

applicant's disclosure); extracting, from the stored set of said information a set of

information for specifying a specific interactive service having a relation to said

computer for carrying out said interactive service and information for a specifying

service time of said specific interactive service (column 5, lines 1-8); and controlling

activation and deactivation of each said interactive service based on said extracted set

of said information for specifying said interactive service and said information for

specifying said service time of that interactive service (column 4, lines 59-67; column 5,

lines 30-34)).

Claims 17 and 27 are rejected on the same grounds as claim 7.

Referring to claim 8, Malaure discloses a method as set forth in claim 7, wherein

in said step of controlling said activation and deactivation (column 2, lines 6-9), if it is

judged that a service start time has arrived based on said information for specifying said

service time, a flag of the corresponding interactive service is set ON (column 1, lines

50-53), if it is judged that a service termination time has arrived based on said

information for specifying said service time, a flag of the corresponding interactive

service is set OFF, and an interactive service is activated or deactivated based on said

flag of said interactive service (column 5, lines 30-34).

Claims 18 and 28 are rejected on the same grounds as claim 8.

Referring to claim 9, Malaure discloses a method as set forth in claim 7, further comprising the steps of: acquiring information indicating an operating state of said interactive service; and transmitting said information indicating said operating state of said interactive service to a computer associated with said data broadcasting (column 2, lines 6-9).

Claims 19 and 29 are rejected on the same grounds as claim 9.

Referring to claim 10, Malaure discloses a method as set forth in claim 9, wherein said acquiring step includes a step of specifying that the interactive service is active in a case where a response indicating that the interactive service is active is received from the interactive service (column 5, lines 1-8; Note: downloading the required application is interpreted as being equivalent to specifying that the interactive service is active).

Claims 20 and 30 are rejected on the same grounds as claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 3, 5, 6, 13, 15, 16, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Grooters.

Referring to claim 3, Reynolds does not disclose a method as set forth in claim 2, wherein said acquiring further includes extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information.

In an analogous are, Grooters teaches a method as set forth in claim 2, wherein said acquiring further includes extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information (column 6, lines 13-16 and 19-29; Note: Grooters teaches a system where the broadcast signal is searched for live content and updating the programming guide, this is interpreted as extracting a second type of data and comparing this data with the interactive service, as the updating would need to compare the second data to the date in the programming guide (interactive service)).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 13 and 23 are rejected on the same grounds as claim 3.

Referring to claim 5, Reynolds does not disclose a method as set forth in claim 1, further comprising generating information as to whether each interactive service must be activated at present based on said information specifying said service time of each said interactive service, and wherein in said transmitting, said information as to whether each said interactive service must be activated at present is further transmitted.

In analogous art, Grooters teaches a method as set forth in claim 1, further comprising generating information as to whether each interactive service must be activated at present based on said information specifying said service time of each said interactive service, and wherein in said transmitting said information specifying said interactive service and said information specifying said service time, said information as to whether each said interactive service must be activated at present is further transmitted (figure 3, boxes 320 and 324; column 6, lines 13-16 and 19-29; Note: Grooters teaches a system where the broadcast signal is searched for live content and updating the programming guide, this is interpreted as extracting a second type of data and comparing this data with the interactive service, as the updating would need to override the data in the interactive programming guide (interactive service)).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 15 and 25 are rejected on the same grounds as claim 5.

Referring to claim 6, Reynolds does not disclose a method as set forth in claim 1, further comprising, if information indicating an operating state of said interactive service is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting.

In an analogous art, Grooters teaches a method as set forth in claim 1, further comprising, if information indicating an operating state of said interactive service is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting (figure 3, boxes 320 and 324; column 6, lines 13-16 and 19-29; Note: Grooters teaches a system where the broadcast signal is searched for live content and updating the programming guide, this is interpreted as extracting a second type of data and comparing this data with the interactive service, as the updating would need to invalidate the data in the interactive programming guide (interactive service)).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 16 and 26 are rejected on the same grounds as claim 6.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Justin E. Shepard whose telephone number is (571)

272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER